

HONORABLE NAPOLEON A. JONES, JR.
U.S. DISTRICT JUDGE
CRIMINAL PRETRIAL & TRIAL PROCEDURES

CHANGE OF PLEA:

The Court considers this an **extremely important** hearing. The defendant is called upon to give up and waive very valuable constitutional and trial rights. Because of the importance of this hearing, the Court, as a rule, will only take the change of plea from one defendant at a time. The Court will not rely on the plea agreement to satisfy the record that the waivers are knowing and voluntary. The waivers will be taken from the defendant on the record. The Court will take **as much time as needed** to ensure that the defendant is aware of what is being pled to, the consequences of the plea and waivers.

ORDERS:

Orders that are requested by counsel for the Court **will not** be accepted if presented on counsel's letterhead.

STIPULATIONS:

Counsel are allowed to **request** stipulations be accepted by the Court - they must be accepted by the Court to have legal effect.

MOTIONS FOR CONTINUANCE:

Motions for continuance **must** be accompanied by a declaration that provides a **legal basis** for the request.

MOTIONS IN LIMINE DEADLINES:

The motion date will be set 1 week before trial. Documents are to be filed 2 weeks before the motion date. Responses are to be filed 1 week before the motion date.

The Court expects requested jury instructions to be filed at the same time as the Motion In Limine documents or **7 days** prior to trial, which ever is earlier.

Those motions that can be resolved pretrial will be ruled on to promote the orderly conduct of the trial. Where complete ruling requires trial testimony, motions will be ruled on as soon as possible.

JURY SELECTION:

The Court, absent unusual circumstances, will conduct the jury voir dire. Requests for attorney conducted voir dire and/or specific questions will be ruled on at the time of motions in limine.

The **blind** strike system regarding utilization of peremptory challenges will be utilized. All **challenges for cause/Batson** issues occur at sidebar.

TRIAL PROCEDURES:

Time limits for the various phases of the trial will be set in consultation with counsel.

Counsel are requested to seek permission to approach a witness initially, or to have the witness approach an exhibit. Ongoing permission will generally be given.

The Court likes to stay out of the case presentation. Make the record for the Court, e.g., "indicating for the record...". Instruct your witnesses to allow counsel to complete a question before giving the answer and, when an objection is stated, to allow the Court to rule on the objection before giving the answer.

Speaking objections are not allowed. State a legal basis for the objection or the legal exception - that perfects the record. Rulings will not be debated with counsel.

The jury will not be kept waiting. If there are matters that need to be discussed, the Court is available at 8:00 a.m. or after 4:30 p.m. When the jury is released for recess, we will remain in session to allow counsel to perfect the record or deal with other issues. Sidebars are discouraged.

The Court will pre-instruct the jury on the law prior to argument by counsel. Counsel are encouraged to use the law in their argument. After argument, the Court will give concluding instructions. Jurors' notes and Court's written instructions are permitted in the deliberation room with the jury.